



Massachusetts Division of Marine Fisheries

Daniel J. McKiernan, Acting Director

Policies, Procedures, and Guidelines

Guidelines to Commercial Menhaden Fishery Permitting Rules

Introduction and Purpose: There are six different permit endorsements that control menhaden fishing in state waters: the Menhaden endorsement, the Inshore Net endorsement, the Mobile Gear Coastal Access Permit endorsement, the Mobile Gear Coastal Access Permit for Purse Seine endorsement, the Fish Weir endorsement, and the Surface Gillnet endorsement. This document describes these six endorsements and the tiers of fishing opportunity available based on what endorsements are held by the harvester.

Menhaden Endorsement (Limited Entry): This endorsement is required for a commercial fishing vessel to harvest, possess, or land more than 6,000 pounds of menhaden when the Quota Managed Fishery is open. This endorsement is also required to participate in the Episodic Event Set Aside Fishery. This endorsement is owner-operator, meaning that the named permit holder must be onboard the vessel when commercial menhaden fishing is occurring. Note: any commercially permitted vessel may take less than 6,000 pounds without a menhaden endorsement year-round.

Inshore Net Endorsement (Restricted Entry): This endorsement is required to use purse seine gear within the Inshore Net Areas described at 322 CMR 4.02. The Inshore Net Areas include but are not limited to the Merrimack River, Plum Island Sound, Essex Bay, the Annisquam River, Gloucester Harbor, Salem Harbor, Beverly Harbor, Boston Harbor, and Plymouth Harbor. These endorsements are also further conditioned to control how and when purse seines may be fished for menhaden in the Inshore Net Areas. Note that netting is strictly prohibited in one prominent Inshore Net Area—Buzzards Bay—with an exception for small cast nets.

Mobile Gear Coastal Access Permit (CAP) Endorsement (Limited Entry): This endorsement is required to fish with mobile gear in the waters under the jurisdiction of the Commonwealth. A holder of a CAP Endorsement is eligible to deploy purse seines in waters under the jurisdiction of the Commonwealth seaward of the Inshore Net Areas.

CAP for Purse Seine Endorsement (Open Entry): This distinct open entry CAP endorsement accommodates vessels that were not eligible to obtain a limited entry CAP Endorsement, but seek to

participate in a purse seine fishery in state waters. This endorsement may be obtained by any person who does not already have a limited entry CAP Endorsement. A holder of a CAP for Purse Seine Endorsement is eligible to deploy purse seines in waters under the jurisdiction of the Commonwealth seaward of the Inshore Net Areas.

Surface Gillnet Endorsement (Open Entry): This endorsement authorizes the holder to utilize a small surface gillnet (under 300 linear feet) to harvest bait fish. The use of this gear is subject to the regulations at 322 CMR 4.14.

Fish Weir Endorsement (Open Entry): This endorsement allows a commercial fisherman to set and operate a fish weir within certain authorized waters under the jurisdiction of the Commonwealth. The fish weir operator has exclusive rights to remove fish within the weir, as well as a buffer zone adjacent to it when the weir is in the water. The use of this gear is subject to the regulations at 322 CMR 4.03.

Classes of Permit Endorsements and Authorized Menhaden Fishing Activity: The following permitting classes detail menhaden possession limits and access to areas and gears based on endorsements held in combination:

- Class 1: Menhaden endorsement, Inshore Net endorsement, CAP or CAP for Purse Seine endorsement, and Surface Gillnet Permit.
 - Possession Limit for Quota Managed Fishery: 125,000 pounds until 85% of the quota is harvested and 25,000 pounds until 100% of the quota is harvested. DMF may obtain quota transfers from other Atlantic coastal states to keep the fishery open at either trip limit; permit holders will be notified if such quota transfers occur.
 - Episodic Event Set-Aside Fishery: If 100% of the state's quota is harvested prior to September 1 and unusually large amounts of menhaden remain in state waters, Massachusetts may apply to participate in the Interstate Fishery Management Plan's Episodic Event Set-Aside (EESA) Program. Participation in this program will allow the fishery to remain active within the waters under the jurisdiction of the Commonwealth at 120,000 pounds until the set-aside is taken. The EESA represents 1% of the coast-wide menhaden quota and is collectively available to the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut and New York. Permit holders will be notified if Massachusetts opts into the EESA program.
 - Incidental Catch and Small-Scale Fishery Possession Limit: A 6,000 pound incidental catch and small-scale fishery allowance is authorized once 100% of the quota is harvested and quota transfers and EESA participation is not available. If purse seine gear is used, the purse seine may not measure in excess of 150 fathoms length and eight fathoms depth.
 - Areas Allowed to be Fished with Purse Seines or Surface Gillnets: All waters under the jurisdiction of the Commonwealth unless otherwise restricted, including all authorized Inshore Net Areas.

- Class 2: Menhaden endorsement and CAP endorsement; or Menhaden endorsement and CAP – Purse Seine endorsement; Menhaden endorsement and Fish Weir endorsement; or Menhaden endorsement with Surface Gillnet endorsement.
 - Possession Limit for Quota Managed Fishery: 125,000 pounds until 85% of the quota is harvested and 25,000 pounds until 100% of the quota is harvested. DMF may obtain quota transfers from other Atlantic coastal states to keep the fishery open at either trip limit; permit holders will be notified if such quota transfers occur.
 - Episodic Event Set-Aside Fishery: If 100% of the state’s quota is harvested prior to September 1 and unusually large amounts of menhaden remain in state waters, Massachusetts may apply to participate in the Interstate Fishery Management Plan’s Episodic Event Set-Aside (EESA) Program. Participation in this program will allow the fishery to remain active within the waters under the jurisdiction of the Commonwealth at 120,000 pounds until the set-aside is taken. The EESA represents 1% of the coast-wide menhaden quota and is collectively available to the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut and New York. Permit holders will be notified if Massachusetts opts into the EESA program.
 - Incidental Catch and Small-Scale Fishery Possession Limit: A 6,000 pound incidental catch and small-scale fishery allowance is authorized once 100% of the quota is harvested and quota transfers and EESA participation is not available. If purse seine gear is used the purse seine may not measure in excess of 150 fathoms length and eight fathoms depth.
 - Areas Allowed to be Fished with Purse Seines: All waters under the jurisdiction of the Commonwealth seaward of the Inshore Net Areas, unless otherwise restricted.
 - Areas Allowed to be Fished with Surface Gillnets: All waters under the jurisdiction of the Commonwealth, including Inshore Net Areas, unless otherwise restricted.
 - Areas Allowed to be Fished with Fish Weir: Within those specific waters authorized under the authority of the Fish Weir endorsement and the adjacent buffer zone while the fish weir is in the water.
- Class 3: No Menhaden endorsement but possesses a CAP for Purse Seine, CAP, Fish Weir, or Surface Gillnet endorsement.
 - Possession Limit: 6,000 pounds year-round. Once 100% of the quota is harvested, the use of purse seine gear will be limited to those seines measuring less than 150 fathoms length and eight fathoms depth.
 - Areas Allowed to Be Fished with Purse Seines: All state waters seaward of the Inshore Net Areas, unless otherwise restricted.

- Areas Allowed to Be Fished with Surface Gillnets: All waters under the jurisdiction of the Commonwealth, including Inshore Net Areas, unless otherwise restricted.
- Areas Allowed to be Fished with Fish Weir: Within those specific waters authorized under the authority of the Fish Weir endorsement and the adjacent buffer zone while the fish weir is in the water.